

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 7 2001

OFFICE OF
MANAGING DIRECTOR

Ms. Sue Totzke
Telecommunications Tax Manager
US Lec Corp.
Morrocroft III
6801 Morrison Boulevard
Charlotte, North Carolina 28211

86-285

RE: Petition for Reconsideration of Denial
of Request for Waiver of Late Charge
Penalty for FY 1998 Regulatory Fees
Fee Control No. 9907128835359002

Dear Ms. Totzke:

This is in response to the Petition for Reconsideration of the denial of the request for waiver of the late charge penalty for late payment of FY 1998 regulatory fees, filed on behalf of US Lec Corp.

You state that you were told that your diligent research and immediate compliance in submitting the fee payments would constitute grounds for abatement, that two subsequent payments have been made on time, and that, based on your payment history and lack of negligence, abatement of the assessed penalty is warranted.

We have fully considered all of your contentions. The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that this obligation was met. Moreover, in light of the mandate of the Communications Act, as set forth above, your independent, but belated, submission of the FY 1998 regulatory fees and your more recent timely submission of other regulatory fees do not provide any basis for a grant of the relief requested. Therefore, your Petition for Reconsideration is denied.

Payment of late charge penalty in the amount of \$247.75 is now due. The late charge penalties must be filed together with a Form 159 (copy enclosed) within 30 days from the date of this letter. You are cautioned that the failure to submit payment as required may result in further sanctions and the initiating of a proceeding to recover the penalties and accrued interest pursuant to the provisions of the Debt Collection Improvement Act of 1996.

Ms. Sue Tetzke

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If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a large, stylized initial 'M'.

Mark A. Reger
Chief Financial Officer

9907128835359002



US LEC Corp.
Morrocroft III
6801 Morrison Boulevard
Charlotte, North Carolina 28211

704.319.1000
Fax 704.319.3020
1.800.588.7280
Website www.uslec.com

November 2, 2000

Office of Management
445 12th Street SW
Washington DC 20551

RE: Fee Control No. 9907128835359002

Dear Mr. Reger,

Please consider this letter a formal Petition for Reconsideration of our request to waive the Regulatory Late Fee penalty.

Our initial waiver request that was submitted October 13, 1999 was submitted as instructed by the FCC. I was told that our diligent research and immediate compliance would constitute grounds for abatement. Since this was our first filing, we were surprised to receive a denial response one-year later.

In 1998 we received notification about numerous FCC reports that required compliance. However, we did not receive any notification relating to the FCC 159.

Not only did we immediately comply upon our discovery of the 1998 Regulatory Report, but we also filed the subsequent two returns on time.

Take a look at our payment history and note that there was not any negligence on our part, and reconsider abatement.

Feel free to call me for any additional information that you may need (704) 319-1161.

Thank you in advance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue Totzke".

Sue Totzke
Telecommunications Tax Manager

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
OCT 18 2000

OFFICE OF
MANAGING DIRECTOR

Ms. Sue Totzke
Telecommunications Tax Manager
US LEC Corp
Transamerica Square
401 N. Tryon Street
Suite 1000
Charlotte, North Carolina 28202

RE: Request for Waiver of Regulatory Fee, Late Fee
US LEC Corp., Charlotte, NC.
Fee Control No. 9907128835359002

Dear Ms. Totzke:

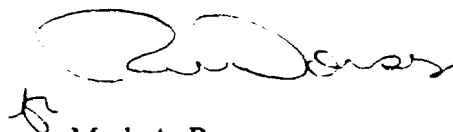
This is in response to your above-styled request of October 13, 1999, to waive the regulatory late fee of \$247.75 imposed upon the late payment of the applicable annual regulatory fee for US LEC.

Title 47, United States Code, section 159(c) and Commission rule 47 CFR §1.1164 impose a penalty for untimely payment equal to 25% of the amount of the regulatory fee. The penalty may be excused only where the delay resulted from bank error "as evidenced by an affidavit of an officer of the bank" (47 CFR §1.1164(b)).

We do not question that the delay was unintentional or that it was the result of simple error; however, neither is a ground for relief from the penalty.

Accordingly, the Commission denies your request for a waiver. Payment of the penalty for \$247.75 is due at the Commission within 30 days from the date of this letter. If you have any questions concerning this letter, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer